

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

FAZAL RAHEMAN,)	
)	
Petitioner,)	
)	C.A. No. 05-40039-DPW
v.)	
)	
DAVID WINN,)	
)	
Respondent.)	

ORDER

On March 1, 2004, petitioner Fazal Raheman filed a petition for a writ of habeas corpus under 28 U.S.C. § 2241.

Raheman also filed an application to proceed without the prepayment of the \$5.00 fee assessed for filing a petition for habeas relief. According to the information Raheman submitted with this application, on January 6, 2005, the balance in his account at FMC Devens was \$54.18. Further, over the six months preceding that date, an average of \$53.91 per month was deposited into the account. Based on this information, the Court concludes that Raheman has not shown that he is unable to pay the \$5.00 filing fee.

ACCORDINGLY, it is hereby ordered that:

(1) The petitioner's motion to proceed without prepayment of the filing fee is DENIED;

(2) The petitioner shall, within thirty-five (35) days of the date of this order, pay the \$5.00 filing fee. Failure

to comply with this mandate will result in dismissal of the petition;

(3) The Clerk of this Court shall serve a copy of the petition, by certified mail, upon (a) David L. Winn, Warden, Federal Medical Center, Camp Devens, P.O. Box. 880, Ayer, MA 01432; and (b) the United States Attorney; and

(4) The respondent shall, within twenty-one (21) days of receipt of this Order, file an answer or other responsive pleading.

SO ORDERED.

March 9, 2005
Date

/s/ Douglas P. Woodlock
United States District Judge